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CAMBRIDGE, MA 02138				
EXAMINER				
KEE, FANNIE C				
ART UNIT		PAPER NUMBER		
3679				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

INFO@ORTPATENT.COM

Office Action Summary

Application No.

10/530,225

Applicant(s)

SMAHL, JARMO

Examiner

Fannie Kee

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because of minor grammatical errors, i.e., replace the word "the" before the words "connecting piece" with --a-- in lines 1 and 2; delete the words "for instance" in line 4; and, replace the words "may be" with --is-- in lines 4 and 6.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mazzacano et al European Patent Office No. EP 0 870 970 A2 in view of Hafeli et al U.S. Patent No. 5,090,854.

With regard to claim 1, Mazzacano et al disclose a connecting piece, intended for connecting at least two elements, a first element is connected to a first end of the connecting piece and a second element is connected to a second end of the connecting piece, the connecting piece comprising:

a body mainly of plastic (102);

a metal insert (107) positioned at at least one end of the connecting piece, the metal insert provided with a thread (108), the metal insert configured such that at least one of the first and second elements can be connected to the connecting piece by a threaded connection; and

at least one gripping element (106) disposed around the outer surface of the connecting piece manipulatable for allowing either the connecting piece to rotate relative to at least one of the first and second elements or at least one of the first and second elements to rotate relative to the connecting piece while making a threaded connection.

However, Mazzacano et al do not disclose that the gripping element comprises at least two straight portions arranged such that two straight portions on opposite sides of the connecting piece are parallel, the straight portions forming gripping surfaces for a tool; and a portion which is arranged smooth between adjacent straight portions; whereby the gripping element is formed such that a tool surrounding the gripping element slips before the thread and/or the basic structure of the connecting piece gets damaged.

Hafeli et al teach that the gripping element can comprise at least two straight portions arranged such that two straight portions on opposite sides of the connecting piece are parallel, the straight portions forming gripping surfaces for a tool; and a portion that is arranged smooth between adjacent straight portions such that the gripping element can be turned by human fingers and to eliminate sharp edges on the gripping element (column 2, lines 52-54).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the gripping element to comprise at least two straight portions arranged such that two straight portions on opposite sides of the connecting piece are parallel, the straight portions forming gripping surfaces for a tool; and a portion that is arranged smooth

between adjacent straight portions such that the gripping element can be turned by human fingers and to eliminate sharp edges on the gripping element as taught by Hafeli et al.

With regard to claim 2, Mazzacano et al in view of Hafeli et al disclose the gripping element comprising six straight portions (see Figure 2 of Hafeli et al).

With regard to claim 3, Mazzacano et al in view of Hafeli et al the gripping element being formed of two or more ribs disposed circumferentially around the connecting piece (see Figure 2 of Mazzacano et al).

With regard to claim 4, Mazzacano et al in view of Hafeli et al the outer surface of the metal insert (107 of Mazzacano et al) being provided with ribs (110 of Mazzacano et al) extending outward from the metal insert, the ribs of the metal insert aligned with the ribs of the gripping element.

With regard to claim 5, Mazzacano et al in view of Hafeli et al the portion which is arranged smooth being a rounded portion (see Figure 2 of Hafeli et al).

4. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rafeld German Patent No. G 89 08 805.0 in view of Hafeli et al U.S. Patent No. 5,090,854.

With regard to claim 6, Rafeld discloses a connecting piece, intended for connecting at least two elements, a first element connected to a first end of the connecting piece and a second element is connected to a second end of the connecting piece, the connecting piece comprising:

a body (1);

a thread (11) positioned at at least one end of the connecting piece, the thread configured such that at least one of the first and second elements can be connected to the connecting piece by a threaded connection; and

at least one gripping element (6) disposed around the outer surface of the connecting piece manipulatable for allowing either the connecting piece to rotate relative to at least one of the first and second elements or at least one of the first and second elements to rotate relative to the connecting piece while making a threaded connection,

Rafeld does not expressly disclose that the body is mainly of thermoplast

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the body mainly of thermoplast because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Rafeld also does not disclose that the gripping element comprises at least two straight portions arranged such that two straight portions on opposite sides of the connecting piece are parallel, the straight portions forming gripping surfaces for a tool; and a portion which is arranged smooth between adjacent straight portions; whereby the gripping element is formed such that a tool surrounding the gripping element slips before the thread of the connecting piece gets damaged.

Hafeli et al teach that the gripping element can comprise at least two straight portions arranged such that two straight portions on opposite sides of the connecting piece are parallel, the straight portions forming gripping surfaces for a tool; and a portion that is arranged smooth between adjacent straight portions such that the gripping element can be turned by human fingers and to eliminate sharp edges on the gripping element (column 2, lines 52-54).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the gripping element to comprise at least two straight portions arranged such that two straight portions on opposite sides of the connecting piece are parallel, the straight portions forming gripping surfaces for a tool; and a portion that is arranged smooth between adjacent straight portions such that the gripping element can be turned by human fingers and to eliminate sharp edges on the gripping element as taught by Hafeli et al.

With regard to claim 7, Rafeld in view of Hafeli et al disclose the gripping element comprising six straight portions (see Figure 2 of Hafeli et al).

With regard to claim 8, Rafeld in view of Hafeli et al disclose the gripping element being formed of two or more ribs disposed circumferentially around the connecting piece (see Figure 2 of Rafeld).

With regard to claim 9, Rafeld in view of Hafeli et al disclose the portion which is arranged smooth being a rounded portion (see Figure 2 of Hafeli et al).

Response to Arguments

5. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Cornett, Slezak, Bredtschneider et al, Stelzer, and Shemtov are being cited to show other examples of gripping elements in the mechanical art.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fannie Kee whose telephone number is (571) 272-1820. The examiner can normally be reached on 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron M Dunwoody/
Primary Examiner, Art Unit 3679

/F. K./
Examiner, Art Unit 3679
November 23, 2008